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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,512

12/17/2003

Sylvie Lambardin

MGRN:416

6200

6160

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02/25/2005

PARKHURST & WENDEL, L.L.P.

1421 PRINCE STREET

SUITE 210

ALEXANDRIA, VA 22314-2805

EXAMINER

LEJA, RONALD W

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/736,512	<b>Applicant(s)</b> LAMBARDIN ET AL.	
	<b>Examiner</b> Ronald W. Leja	<b>Art Unit</b> 2836	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                                 |                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                            | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/17/2003</u> . | 6) <input type="checkbox"/> Other: _____                                                |

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1. Claim 5 is objected to because of the following informalities:

In line 1 of Claim 5, "a first internal part" should probably be "the first internal part" with previous recitation appearing in Claim 4.

Appropriate correction is required.

2. The following is a quotation of the second paragraph of 35 U.S.C.

112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is confusing in that one is not sure whether "a signal rectifier" is an additional rectifier to that found in Claim 1. In line 4, should "the amplifier" more properly be "the rectifier"? Are the "control means" and "a tripping control output" of lines 7-9, components of the "processing means" of Claim 1 or different components all together. Clarification is requested.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wellman, Jr. et al. (4,370,692).

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Wellman, Jr. et al. disclose in Figures 1 & 2, a leakage protection device protecting an electrical switchgear unit comprising main conductors (L1,L2,N) and contacts (48,50) in series, a measuring torroid (54) and trip relay (64) (for Claim 6). Figure 2 illustrates an input at (56), a comparison means (120), processing means (128) to command a trip relay (64), rectifying means (112) and filtering means (114,119).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wellman, Jr. et al..

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Wellman, Jr. et al. are somewhat silent with respect to the cut-off frequency of the filter and although they disclose an amplifier (90) receiving input signals, a signal rectifier connected to the output of the amplifier (112), filter means (114,119), a comparator (120) connected to the filtering means, control means having a time delay and tripping control output (128, 62, 64) (see also Col. 31-51), and wherein, (90) and (120) are integrated on the same chip, Wellman, Jr. et al. do not indicate that all the components comprise an integrated circuit. However, it is the opinion of the Examiner, that it would have been obvious to pick the appropriate cut-off frequency (such as between 2 and 4 times the fundamental frequency) for the low-pass filter so as to meet the desired accuracy level of protection deemed necessary for the particular application-at-hand and integration of most if not all components would have been obvious as a means to save in space consideration, leading to a more compact overall design.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wellman, Jr. et al. in view of Katz et al. (5,642,427).

Claim 4 is essentially drawn to the partial integration of the filtering means wherein the resistive part is within the integrated circuit and the capacitive part is external to the integrated circuit. Wellman, Jr. et al. disclose that amplifiers (90)&(120) are integrated upon a single chip, but are otherwise silent. However, Katz et al. teach an integrated circuit wherein filtering means are offered on the chip (via an all pass filter op-amp) and that such filtering can be

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adjusted via resistors and/or capacitors externally to the chip.

Therefore, it is the opinion of the Examiner that providing a portion of the filtering means, such as, a capacitive element, externally to the integrated circuit, would have been obvious as a means to offer adjustment abilities of the filtering qualities.

9. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


10. The following is a Statement of Reasons for the Indication of Allowable Subject Matter: The added combined limitations found within Claim 5 of providing for the filter means, two buffer circuits to command a current mirror designed to reference a filtering signal to a power supply line or a reference line are not disclosed nor suggested by the Prior Art of Record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald W. Leja whose telephone number is (571)272-2053. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)272-2800. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ronald W Leja  
Primary Examiner  
Art Unit 2836



rwl  
February 18, 2005